

## REMARKS

The Applicants do not believe that examination of foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated July 25, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. Claims 1-20 are rejected by the July 25, 2005 Final Office Action.

The Final Office Action rejects Claims 9-11 and 19 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,784,900 issued to Dobronsky et al. (hereinafter referred to as Dobronsky et al.). The Applicants would like to draw the Examiner's attention to the MPEP at §2131 wherein the courts opinion in *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) is quoted as stating that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." The Applicants, respectfully, assert that the rejection contained in the July 25, 2005 Final Office Action does not set forth each and every element within the rejected claims.

Claim 9 defines subject matter for the command to include a skin change command that is remotely transmitted to the apparatus for changing a currently applied skin in response to a parameter related to displayed information. The Applicants, respectfully, assert that the foregoing subject matter is not found within Dobronsky et al. The Examiner asserts that Dobronsky et al. teach that a change in the skin is accomplished by the user selecting a skin for downloading and installing it in the toolbar area of the browser. The Examiner cites Claim 25 of Dobronsky et al. alleges that it discloses a service website providing a command a skin in toolbar area of the browser to change the skin in response to the current website navigated by the web server. Initially, the Applicants, respectfully, point out that Claim 25 of Dobronsky et al. defines subject matter for downloading a plug-in module to the toolbar area and presenting graphic information for display as a skin in the toolbar area corresponding to another web site not in response to the current website navigated by the web server as alleged by the Examiner. Furthermore, the assertions made by the rejection do not address the subject matter for "changing

a currently applied skin in response to a parameter related to displayed information".

Additionally, Claim 9 defines a graphical user interface within which information is displayed and skin means for applying a skin defining an artistic background within which data can be displayed to the graphical user interface so as to influence the look of the graphical user interface. Therefore, in order to satisfy all the elements defined by rejected Claim 9, it is necessary to provide a skin within which data can be display. This is not accomplished by the downloading of a plug-in module to the toolbar area and presenting graphic information for display as a skin in the toolbar area as taught by Dobronsky et al. Therefore, this rejection is, respectfully, traversed.

Claim 10 defines subject matter for the skin change command to include an identity of a respective skin stored in storage means of the apparatus, for controlling the skin means so as to apply the skin to the graphical user interface. The Applicants, respectfully, remind the Examiner that Claim 10 depends from Claim 9 and includes the subject matter for that the skin change command to be remotely transmitted to the apparatus for changing a currently applied skin in response to a parameter related to displayed information. As previously discussed in the response to the rejection of Claim 9, the subject matter for the skin change command to be remotely transmitted to the apparatus for changing a currently applied skin in response to a parameter related to displayed information is not disclosed or suggested by Dobronsky et al. Therefore, the subject matter defined by Claim 10 for the skin change command to include an identity of a respective skin stored in storage means of the apparatus, for controlling the skin means so as to apply the skin to the graphical user interface is also not found within Dobronsky et al. Therefore, this rejection is, respectfully, traversed.

Claim 11 defines subject matter of claim 9, wherein the skin change command includes a further skin for controlling the skin means so as to apply said further skin to the graphical user interface. The Applicants, respectfully, remind the Examiner that Claim 11 depends from Claim 9 and includes the subject matter for that the skin change command to be remotely transmitted to the apparatus for changing a currently applied skin in response to a parameter related to displayed information. As previously discussed in the response to the rejection of Claim 9, the subject matter for the skin change command to be remotely transmitted to the apparatus for changing a currently applied skin in response to a parameter related to displayed information is not disclosed or suggested by Dobronsky et al. Therefore, the subject

matter for the skin change command including a further skin, in which the skin means is adapted to apply said further skin to the graphical user interface is also not disclosed or suggested by Dobronsky et al. Therefore, this rejection is, respectfully, traversed.

Claim 19 depends from Claim 9 and further narrows and defines Claim 9. Therefore, Claim 19 is believed to be allowable.

The Final Office Action rejects Claims 1-8, 12-18, and 20 under the provisions of 35U.S.C. §103(a) as being unpatentable over Dobronsky et al. in view of U.S. Patent No. 5,778,187 issued to Monteiro et al. (hereinafter referred to as Monteiro et al.). The Applicants, respectfully, point out that the teachings of Dobronsky et al. pertain to a method and system for on demand addition of graphic information to a user's toolbar (see Abstract). The teachings of Monteiro et al. pertain to a real time distribution architecture that provides delivery of real time information to any number of users and the multiple simultaneous deliveries of real time channels to a large number of users (see column 4, lines 1-5). The Applicants, respectfully, point out that the entire teaching of Monteiro et al. relates the delivery of information that can be used within a graphical user interface. The combination suggested by the Final Office Action would not allow the references so combined to perform their intended purpose. It would not be possible for Dobronsky et al. to provide on demand addition of graphic information within the method and system of Monteiro et al. The teachings Dobronsky et al. require an on demand manner of operation and Monteiro et al. do not provide for on demand delivery but instead provides multicasting. It would not be possible for Monteiro et al. to provide delivery of real time information to any number of users within the method and system of Dobronsky et al. The teachings of Monteiro et al. require multicasting and the downloading of on demand addition of graphic information to a user's toolbar as taught by Dobronsky et al. are not compatible with the multicasting techniques of Monteiro et al. The MPEP at §2143.01 states that if the "proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Accordingly, for the aforesaid reasons there is no suggestion or motivation to make the modification proposed by the rejection. Therefore, the rejection does not establish a *prima facie* case of obviousness.

Regarding Claims 1 and 13, the rejection asserts that Dobronsky et al. teach the subject matter defined by Claims 1 and 13 except that Dobronsky et al. do not teach that the skin change is generated in response to an event not originating from a user request to change the currently applied skin. The rejection states that Monteiro et al. teach a system in which the appearance of a browser window is changed based on current content and that that the user interface is changed in response to a different song being played at column 4, lines 9-19 in column 17, lines 20-31 and column 7, lines 48-59.

The Applicants, respectfully, disagree with these assertions made by the rejection. Monteiro et al. at column 4, lines 1-5, discuss the real time distribution architecture that provides delivery of real time information to any number of users and the multiple simultaneous delivery of real time channels to a large number of users. Monteiro et al., at column 4, lines 9-19, discuss the type of information that is delivered can be video graphics or text. The Applicants, respectfully, point out that the entire teaching of Monteiro et al. relates the delivery of information that can be used within a graphical user interface; however, there is no disclosure or suggestion within Monteiro et al. that relates to changing the skin to a graphical user interface.

Monteiro et al. at column 7, lines 48-59 simply states that side bar information is synchronized with the audio channel and describes audio visual information that can be displayed in the side bar. In any event, Monteiro et al. at column 7, lines 48-59 describe information and not skin changes to the graphical user interface.

Monteiro et al. clearly teach that the information displayed within the user interface changes and not that the appearance of the user interface is changed. Column 17, lines 20-31 of Monteiro et al. states that the "information contained in the channel guide, program guide, and the tabs of the multimedia frame is dynamically transmitted to the client." There is no disclosure or suggestion within Monteiro et al. that the appearance of the user interface (skin of the graphical user interface) is changed.

The teachings of Monteiro et al. pertain to data and information that is displayed with the skin (the appearance of the graphical user interface). There is no disclosure or suggestion within Monteiro et al. that the skin of the graphical is changed. A person skilled in the art would not find Monteiro et al. suggestive towards altering the appearance of the graphical user interface.

The Examiner admits that Dobronsky et al. do not provide any disclosure or suggestion for changing the currently applied skin in response to an event not originating from a user request to change the skin. A person skilled in the art having viewed Dobronsky et al. would not look a reference such as Monteiro et al. for ideas related to the appearance of the graphical user interface, because Monteiro et al. do not provide any teaching related to the appearance of the graphical user interface. As previously discussed, Monteiro et al. teach altering data and information that is displayed within the graphical user interface.

Regarding Claim 2, the rejection asserts that Dobronsky et al. teach an apparatus for receiving information from a remote server and the event comprising the reception of a skin change command from the remote server. The rejection further asserts that Dobronsky et al. teach at column 2, lines 51-63, a browser receiving information via communication with the Internet where the information transmitted is a skin change command. Neither Dobronsky et al. nor Monteiro et al. disclose or suggest a receiving means for receiving information from a remote server, upon an event comprising the reception of a skin change command from the remote server. It should be noted that the skin means are adapted to change a currently applied skin in response to an event not originating from a user request to change the currently applied skin. The Applicants, respectfully, assert that neither Dobronsky et al. nor Monteiro et al. alone or in combination disclose or suggest the subject matter defined by Claim 2. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 3, the Examiner states that Dobronsky et al. teach an apparatus comprising storage means for storing a plurality of skins and downloading and storing of specific skin at column 4, lines 26-43. The Examiner further states that Dobronsky et al. teach at column 5, lines 33-41, the selection of a skin from a plurality of skins resulting in the installation of the skin to a toolbar area of the browser. The Applicants, respectfully point out that Claims 3 defines subject matter for the skin change command to include an identification of a respective one of the plurality of skins, the skin means being adapted to apply the respective skin to the graphical user interface in response to said skin change command. It should be noted that the skin means are adapted to change a currently applied skin in response to an event not originating from a user request to change the currently applied skin. The Applicants, respectfully, assert that neither Dobronsky et al. nor Monteiro et al. alone or in combination disclose or suggest the foregoing subject matter defined by Claim 3. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 4, the rejection asserts that Dobronsky et al. teach the skin change command including a further skin, in which the skin means is adapted to apply said further skin to the graphical user interface. The Applicants, respectfully, point out that the skin change command defined by Claim 4 for including a further skin, and the skin means being adapted to apply said further skin to the graphical user interface is viewed in conjunction with the skin means being adapted to change a currently applied skin in response to an event not originating from a user request to change the currently applied skin. The Applicants, respectfully, assert that neither Dobronsky et al. nor Monteiro et al. alone or in combination disclose or suggest the foregoing subject matter defined by Claim 4. Therefore, this rejection is, respectfully, traversed.

Regarding Claims 5 and 14, the Examiner states that Dobronsky et al. teach presentation means capable of presenting further information and that the event comprises a change in a parameter of said further information. The Examiner further states that Dobronsky et al. teach at column 5, lines 55-67, that a change in displayed skin is affected by further information. The Applicants, respectfully, assert that these rejections are moot in view of the foregoing discussed amendment to Claims 1 and 13.

Regarding Claims 6 and 15, the rejection asserts that Monteiro et al. teach information comprising audio and/or video content at column 2, lines 8-11 and column 17, lines 20-31, the information being audio and/or video content. The Examiner further states that Monteiro et al. teach a parameter representing a category of said content at column 17, lines 20-31 that if the user changes music type or there is a change in the artist the interface window will adapt. This subject matter has been previously discussed above and does not disclose or suggest any alterations in the appearance of the graphical user interface or the skin that is applied to the graphical user interface and is therefore, respectfully, traversed.

Regarding Claims 7 and 16, the rejection asserts that Monteiro et al. teach that the apparatus further comprised user profile mean for maintaining a user profile, and an event comprising a change in a user profile. The Examiner further states that Monteiro et al. teach in column 2, lines 17-26 and column 8, lines 12-15, that portions of information can be tailored to the client, when the clients habits change the environment adapts around the client. The Applicants respectfully disagree with these assertions contain in the rejection. There is no disclosure or suggestion that the environment adapts around the client. This subject matter has

been previously discussed above and does not disclose or suggest any alterations in the appearance of the graphical user interface or the skin that is applied to the graphical user interface and is therefore, respectfully, traversed.

Regard Claims 8 and 17, the rejection asserts that Dobronsky teaches the above claims being implemented in a computer program, with a computing device. The Examiner further states that Dobronsky teaches, in column 1, lines 11-21 that the system being implemented on a computer utilizing computer programs. The Applicants, respectfully, assert that these depend from Claims 1 and 13 and are allowable for that reason.

Regarding Claims 6 and 12, the rejection asserts that Monteiro et al. teach information comprising audio and/or video content. The rejection further asserts that Monteiro et al. teach in column 2, lines 8-11 and column, 17, lines 20-31, the information being audio and/or video content. The Examiner's position is that Monteiro et al. teach a parameter representing a category of said content, and at column 17, lines 20-31, that the user changes music type or there is a change in the artist the interface window will adapt. As previously discussed, Monteiro et al. teach content and information changes. Rejected Claim 6 and 12 define subject matter for altering the appearance of the graphical user interface and not the changing the information that is presented within the graphical user interface. Therefore, this rejection is respectfully traversed.

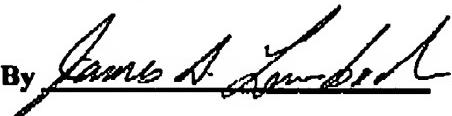
Regarding Claim 18, the rejection asserts that Dobronsky et al. teach the artistic background defining the skin comprising at least one of background shape, a background color, or arrangement of controls specific to the individual skin. The Examiner further states that Dobronsky et al. teach in column 5, lines 55-67 and Fig. 5, an artistic background. The Applicants, respectfully, assert that Claim 18 depends on Claim 13 and is allowable for that reason.

Regarding Claims 20, the rejection alleges that Monteiro et al teach a user profile means for controlling selection of skins within the graphical user interface. The Applicants, respectfully, disagree for the simple reason that this allegation is unequivocally false. Monteiro et al. at column 2, lines 17-26 and column 8, lines 12-15 teach that portions of information can be tailored to the client. There is no disclosure or suggestion that the environment changes. Therefore, this rejection is respectfully traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

James D. Leimbach  
Patent Attorney Reg. No. 34,374

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